

RULE CR-12. PRETRIAL MOTIONS

(a) Motion by Defendant. Unless otherwise ordered by the court, the defendant must file any pretrial motion:

- (1) within 10 days after arraignment; or
- (2) if the defendant has waived arraignment, within 10 days after the latest scheduled arraignment date.

(b) Motion by the Government. Unless otherwise ordered by the Court, the government must file any pretrial motion by the latest of the following dates:

- (1) within 11 days after receiving defendant's motions;
- (2) within 21 days after the arraignment; or
- (3) if the defendant has waived arraignment, within 21 days after the latest scheduled arraignment date.

Committee Notes

1. The language of Rule CR-12 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.
2. The form of motions and responses, and the time for filing a response, are governed by CR-47.
3. Notwithstanding the preference in the Federal Rules of Criminal Procedure for case-specific scheduling orders (see Committee Note, proposed amendment to Fed. R. Crim. P. 12(c)), the rule retains the practice of setting motions deadlines by local rule, recognizing that the practice is suitable for the vast majority of criminal cases filed in this district, and that the district court may set specific deadlines different from the rule in appropriate cases.
4. The rule retains the former rule's 10-day deadline for filing defense motions, and contemplates no substantive change to the current practice, which may vary from division to division.
5. The former rule provided that "all such motions shall be . . . served upon the United States Attorney within ten (10) days after arraignment or waiver of arraignment has been entered." Thus, the implication was that only defense motions were due within the specified time period. The rule now sets a time limit for motions by either the defendant or the government. Further, the rule clarifies that the triggering event for filing of pretrial motions is the latest scheduled arraignment date.